

#78  
Election  
1/17/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

LASSNER *et al.*

Appl. No.: 09/549,848

Filed: April 14, 2000

For: **Nucleic Acid Sequences to Proteins  
Involved in Tocopherol Synthesis**



Art Unit: 1638

Examiner: A. Nelson

Atty. Docket: 16516.105

**RECEIVED**

OCT 17 2001

TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 14, 2001 (Paper No. 17), Applicants submit the following remarks.

**Remarks**

In the Office Action mailed September 14, 2001, the Examiner required Applicants to elect a single nucleic acid sequence for examination. Applicants respectfully traverse the Sequence Election Requirement, and provisionally elect the sequence of SEQ ID NO. 1.

Applicants submit that the Patent Office has not proven that an undue burden would be imposed by the search and examination of more than one sequence. Although each sequence is distinct, Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending claims as a single entity. As MPEP 803 directs, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

1638

# ARNOLD & PORTER

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555 Twelfth Street, NW  
Washington, DC 20004-1206



October 15, 2001

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OCT 17 2001

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Commissioner for Patents  
Washington, DC 20231

Re: U.S. Application No. 09/549,848  
Filed: April 14, 2000  
Title: Nucleic Acid Sequences to Proteins Involved in  
Tocopherol Synthesis  
Inventors: LASSNER *et al.*  
Atty. Docket: 16516.105

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to Restriction Requirement dated September 14, 2001;
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants do not believe that any fees are due in conjunction with this filing. If, however, any fees are due in conjunction with this filing, including any extension of time fees required to prevent abandonment, then such extension is hereby petitioned and the Commissioner is hereby authorized to charge the fees to Arnold & Porter Deposit Account No. 50-1824 referencing docket number 16516.105. A duplicate copy of this letter is enclosed.

Very truly yours,

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)  
Milan M. Vinnola (Reg. No. 45,979)

Enclosures